



**DEPARTMENT OF VETERANS AFFAIRS
VA BOSTON HEALTHCARE SYSTEM**

Brockton Campus, 009-PO
940 Belmont Street
Brockton, MA 02301-5596

February 19, 2019

FOIA Request No.: **19-02781-F**

Mickey Long
mickeylong@outlook.com

Dear Mr. Long:

This letter is the initial agency decision on your December 19, 2018 request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, for:

“...any activity under the contractor BR Steel, LLC or Greystone Iron, Corp. (or both) (“Subcontractor”), please provide an opportunity to inspect and copy:

1. All certified payroll records (including any submitted under 40 USC, Section 3145) submitted by any entity reflecting labor performed by the Subcontractor's Employees;
2. All daily records of the awarding agency (including any of its agents) for the time frame during which the Subcontractor performed labor on the project, and all records describing any work performed by the Subcontractor, including documents showing any hours of labor performed by any of the Subcontractor's employees on the Project;
3. Any payment bond issued by the general or prime contractor (the Miller Bond);
4. Any and all contracts or subcontracts
 - a. between Monument Construction and the awarding authority; or
 - b. between Monument Construction and any firm where the contract regarded the scope of work or labor performed by the Subcontractor.
5. Any Davis-Bacon Act Wage Determinations for the Project.”

Your FOIA request was received in my office on December 19, 2018.

The Contracting Service conducted a search for documents responsive your request. At the conclusion of the search, a total of 242 were found and 189 pages were determined to be responsive to your request.

My review of the document revealed that it contained information that falls within the disclosure protections of FOIA Exemption 6, 5 U.S.C. § 552(b)(6). FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an

individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

Specifically, the information I am withholding, as indicated on the enclosed documents, under FOIA Exemption 6 consists of Social Security Number, individual and vendor names (other than those listed in your request), handwritten signatures, job titles, and any internal comments regarding those individuals/vendors as the individuals associated with this information have a personal privacy interest in this information.

FOIA Exemption 6 permits VA to withhold a document or information contained within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA Exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government. Specifically, the information I am withholding, as indicated on the enclosed documents, under FOIA Exemption 6 consists of the *names, identifying characteristics and statements of individuals other than your client*, as the individuals associated with this information have a personal privacy interest in it.

The coverage of FOIA Exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains. Upon consideration of the materials provided, I have not been able to identify a countervailing public interest of sufficient magnitude to outweigh the privacy interest in this case. The individuals associated with this information have a personal privacy interest in information that outweighs any public interest served by disclosure of their identities under FOIA.

If you disagree with my determination to withhold the information under FOIA Exemptions 6 please be advised you may appeal to:

Office of the General Counsel (024)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

You also have rights to seek assistance and dispute resolution services from:

VHA FOIA Public Liaison:

Email Address: yhafoia2@va.gov

Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)

Email Address: ogis@nara.gov

Fax: 202-741-5769

Mailing address: Office of Government Information Services (OGIS)

National Archives and Records Administration

8601 Adelphi Road

College Park, MD 20740-6001.

If you should choose to file an appeal, your appeal must be postmarked no later than sixty (60) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

Sincerely,

A handwritten signature in cursive script that reads "Melinda Lee".

Melinda Lee, RHIT, CHPS

Privacy, FOIA Officer

Phone: 774-826-2013

Fax: 774-826-3439